

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
KENNETH MITAN,	:	NO. 08-760-1
FRANK MITAN,	:	NO. 08-760-2

ORDER

_____AND NOW, this 23rd day of September, 2009, after careful consideration of the Government's Motion and Defendants' Responses thereto, it is hereby ORDERED that the Government's Motion In Limine to Admit Evidence Pursuant to Federal Rule of Evidence 404(b) (Doc. No. 138) is GRANTED in part and DENIED in part as follows:

- (1) The Government withdraws its request to admit evidence of Kenneth Mitan's arrest in Redondo Beach, California, per this Court's Order granting in part Defendants' Motion to Suppress.
- (2) Evidence of Kenneth Mitan's arrest in Gretna, Louisiana is not admissible because it is overly prejudicial.
- (3) Evidence of the Tuckahoe Enterprises transaction is not admissible because it is overly prejudicial due to pending state criminal charges regarding that transaction.
- (4) Evidence of the Spectacular Sports and Super-1 RV transactions is admissible to the extent outlined in the Government's Offer of Proof.
- (5) The Court may deny or limit the admissibility of "other acts" evidence during the course of trial, in its discretion.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.

O:\Criminal Cases\08-760 Mitani, us v\Order re 404(b) Motion.wpd